

TWENTY-EIGHTH DAY

(Thursday, February 22, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moore
Brown	Morris
Bullock	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Winfield
Mauritz	York
Moffett	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Carney, Kelley and Metcalfe were granted leaves of absence for today on account of important business on motion of Senator Ramsey.

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Ramsey.

Address by Senator Shivers

The President announced the presence of Senator Shivers in the Senate Chamber and directed that the Senate stand at ease temporarily so that the members of the Senate might extend their greetings to him.

Senator Winfield moved that Senator Shivers be invited to address the Senate at this time.

The motion prevailed.

Accordingly, the President appointed Senators Spears and Taylor to escort Senator Shivers to the President's desk.

The President presented Senator Shivers, who addressed the Senate briefly.

Reports of Standing Committees

Senator Mauritz submitted the following reports:

Austin, Texas,
February 21, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 86 by Parrish, have had said bill under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

Austin, Texas,
February 21, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 95 by Morris, have had said bill under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

Austin, Texas,
February 21, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 79 by Mauritz and Sulak, have had said bill under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

MAURITZ, Chairman.

Senator Graves submitted the following reports:

Austin, Texas,
February 22, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No. 49, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GRAVES, Chairman.

Austin, Texas,
February 22, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No. 42, have had same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

GRAVES, Chairman.

Austin, Texas,
February 22, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No. 41, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GRAVES, Chairman.

Senator Jones submitted the following report:

Austin, Texas,
February 21, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Commerce and Manufacturing to whom was referred S. B. No. 35, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed, with amendments.

JONES, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senators Moffett, Lanning and Winfield:

S. B. No. 181, A bill to be entitled "An Act amending Article 1302, Title 32, Revised Civil Statutes of Texas, by adding a new section thereto to be known as "2A" authorizing the creation and operation of charitable corporations for the purpose or purposes of owning and operating non-profit cooperative hospitals, and for the purpose of providing medical, dental, health, surgical, nursing, hospitalization and related services and benefits, for the members and families of the

members of such corporation; providing that such corporations shall not be deemed to be insurance companies and shall not be subject to the insurance laws of Texas; providing that such corporations shall not be authorized to be created and operated in towns or cities of more than twenty-five hundred (2500) population, according to the last preceding Federal Census; repealing all laws or parts of laws in conflict with the provisions of this Act; providing that if any article, section, sub-section, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of any remaining portions of the Act; and declaring an emergency."

To Committee on Towns and City Corporations.

By Senator Moffett:

S. B. No. 182, A bill to be entitled "An Act amending Article 2688 of the Revised Civil Statutes of Texas, as amended by Acts of the 42nd Legislature, page 849, Chapter 357, as amended by the Acts of the 42nd Legislature, Third Called Session, page 47, Chapter 21, Section 1, so as to provide that in all counties now or hereafter having the office of County Superintendent where the scholastic population, according to the last preceding scholastic census, is less than three thousand (3,000) but more than two thousand (2,000) that the office shall continue until a majority of the voters at an election, shall vote to abolish such office; and providing for petitions and for ordering such elections; and further providing that a majority vote to abolish said office shall not become effective until the expiration of the term of office for which the County Superintendent has been elected or appointed; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Jones:

S. B. No. 183, A bill to be entitled "An Act to repeal and to reenact Article 4477, Rule 34a to and including Rule 55a, Revised Civil Statutes and Article 781a, Penal Code, known as the Vital Statistics Law so as to secure records of births, adoptions, marriages, divorces and deaths and other matters pertaining to the names, location and identity of the citizens

or residents of this state; to establish the State Bureau of Vital Statistics; to fix the duties of the State Board of Health, State Health Officer, State Registrar, District Clerk, County Judge, County Clerk, City Secretary or Clerk, Justice of the Peace and appointed registrar in connection with the registration of Vital Statistics; to prescribe the method for registering births and deaths; to require the report of adoptions, annulments and revocations of adoption, marriages, and divorces to the State Bureau of Vital Statistics; to fix the fees for the registration of births, marriages, divorces and deaths and for the issuance of certified copies thereof; to define certain offenses and prescribing penalties therefor; prescribing the method for enforcing the provisions of this Act; and providing that if any Section or part of this Act shall be held unconstitutional or inoperative, such action shall not affect any other Section or part of this Act and declaring an emergency.

To Committee on Civil Jurisprudence.

By Sentors Mauritz, Lanning, and Winfield:

S. B. No. 184, A bill to be entitled "An Act to increase the maximum gross load limit on commercial motor vehicles and combinations thereof from thirty-eight thousand (38,000) pounds to forty-eight thousand (48,000) pounds and, as thus amended, to re-enact Section 5, Chapter 42, General Laws of the State of Texas, Forty-first Legislature, Second Called Session, as amended by Section 5, Chapter 282, Acts of the Regular Session, Forty-second Legislature, regulating the gross load of commercial motor vehicles and combinations thereof; limiting the weight per inch of tire upon any wheel concentrated upon surface of the highway; limiting the load that may be transported upon any wheel of any such vehicle or combination thereof; limiting the load that may be transported upon any axle of such vehicle or combination thereof; repealing all laws in conflict herewith; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Hazlewood:

S. B. No. 185, A bill to be entitled "An Act amending sub-divisions (d)

and (e) of Section 2, Article 6008, Revised Civil Statutes of Texas, 1925, as amended; adding sub-division (1) to Section 2 of said Article 6008, defining the term "condensate"; amending sub-division (m) of Section 3 of said Article 6008; amending Section 7, subsection (4) of said Article 6008, as amended; and amending Sections 14 and 15 of said Article 6008, as amended; and declaring an emergency."

To Committee on Oil, Gas, and Conservation.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 21, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 12, Endorsing Dr. W. J. Danforth for National Commander of American Legion.

S. C. R. No. 13, Honoring E. J. Kyle, Dean Emeritus of A. & M. College, on February 22, 1945.

S. C. R. No. 15, Relating to Texas Roadside Development.

H. C. R. No. 28, Commending the Civil Air Patrol for its services and expressing appreciation to Lt. Col. D. Harold Byrd, Texas CAP Wing Commander.

H. C. R. No. 30, Relative to the inauguration of the planting and propagation of a county selected tree or shrub in Texas.

H. B. No. 356, A bill to be entitled "An Act making an appropriation of the sum of Seventeen Thousand Seven Hundred Nineteen Dollars and Ten Cents (\$17,719.10), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the balance due on the cost of publication of House Joint Resolution No. 8 and House Joint Resolution No. 18 passed by the Regular Session of the Forty-eighth Legislature, and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Concurrent Resolution 17

(Invitation to National Editorial Association).

Senator Taylor offered the following resolution:

Whereas, the Texas Press Association has extended to the National Editorial Association an invitation to hold the annual convention of the said National Editorial Association in the State of Texas in the year 1946, the centennial of Texas Statehood, and

Whereas the National Editorial Association, through its Executive Committee, has taken action tentatively agreeing to hold the 1946 convention in the State of Texas, and

Whereas the advantages accruing to the State of Texas in entertaining the annual convention of the only National organization of publishers and editors of non-metropolitan newspapers in the United States with a membership of more than 5,000 provides an excellent opportunity to obtain much desirable publicity for Texas, therefore, be it

Resolved that the Senate of Texas, the House of Representatives concurring, hereby endorses the invitation of the Texas Press Association to the National Editorial Association and assures the National Editorial Association and its officials that the State government will in all proper ways join the Texas Press Association in entertaining the said convention of the National Editorial Association in 1946 or any subsequent year.

TAYLOR
MOFFETT
MAURITZ
HAZLEWOOD
STANFORD
SULAK

The resolution was read; and by unanimous consent, it was considered immediately and was adopted.

Advance Printing of Senate Bill 176

On motion of Senator Morris, and by unanimous consent, S. B. No. 176 was ordered printed in advance of its consideration in committee.

Communication from the Legislative Audit Committee

The President laid before the Senate, and directed the Secretary to

read, the following communication from the Legislative Audit Committee:

Austin, Texas,
February 13, 1945.

To the Senate, 49th Legislature of the State of Texas:

This is to certify that the Legislative Audit Committee, created under the provisions of Senate Bill No. 27 as passed by the 48th Legislature, did on February 13th, 1945 appoint C. H. Cavness as State Auditor for the period expiring February 15th, 1947. The Committee's authorization to select the State Auditor for this period is set out in Section 3 of that Act and its requirement to submit such appointee for the Senate's approval is in Section 6 thereof.

It is respectfully requested that Senate confirmation be given this appointment.

LEGISLATIVE AUDIT COMMITTEE

By JOHN LEE SMITH,
Lt. Governor and Chairman,

C. H. GILMER,
Secretary, Speaker of the
House of Representatives,

R. C. LANNING,
Member, Chairman of the
Senate Finance Committee,

FRED MAURITZ,
Member, Chairman of the
Senate State Affairs Committee,

M. B. MORGAN,
Member, Chairman of the
House Appropriation Committee,

W. R. CHAMBERS,
Member, Chairman of the
House Revenue and Taxation Committee.

The communication was read and was referred to the Committee on Nominations of the Governor.

House Concurrent Resolution 8

The President laid before the Senate for consideration at this time:

H. C. R. No. 8, Granting A. M. H. Stark permission to sue the State.

The resolution was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 22, 1945.

Hon. John Lee Smith, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 97, Relating to the A. & M. Experiment Station.

S. B. No. 105, Relating to Independent school districts.

H. B. No. 42, A bill to be entitled "An Act to further the general welfare and governmental economy and bring about increased efficiency in the service of all departments and agencies of the State Government by establishing effective budget control and more effective long range budget planning to the end that the funds of the State shall not be expended except in strict compliance with law and as authorized by the Legislature; creating the office of State Director of the Budget, providing the manner of his appointment, fixing his term of office, fixing his compensation, and prescribing his duties, strengthening the authority of the Comptroller of Public Accounts to require information needed in the pre-auditing of accounts; making it the responsibility of the Director of the Budget to furnish the Comptroller with necessary information; requiring the Director of the Budget to maintain such financial records as may be necessary to the orderly functioning of his office; transferring all duties which the law now requires the State Board of Control to perform in connection with the preparation and adoption of the State Budget to the Director of the Budget; providing penalties for the violation of this Act; providing that the provisions of this Act shall not apply to the Legislature except where expressly specified; providing that in all cases where there is a conflict between provisions of this Act and existing law that the provisions of this Act shall control; providing that if any part or section of this Act shall be declared invalid the remaining part of this Act shall be in full force and effect; and declaring an emergency."

S. B. No. 44, A bill to be entitled "An Act creating the office of Veterans County Service Office; providing

for the employment of Veteran County Service Officers and Assistant Veteran County Service Officers; authorizing the maintenance and operation of such office by the Commissioners Court; authorizing the appointment by the Commissioners Court of a Veterans County Service Officer and Assistant Veterans County Service Officers and other necessary personnel; defining the qualifications, authority and duties of such officers; authorizing the fixing of salaries of such officers and personnel by the Commissioners Court and providing that the salaries and travel expenses of such officers and personnel and other expenses of such office so maintained may be paid out of the general funds of the county on order of the Commissioners Court; providing for the term of such officers and personnel; granting the right of such officers the official entry into the records of the eleemosynary and penal institutions of the State of Texas; authorizing the maintenance and operation of such office and the employment of such officers and personnel and the fixing of the salaries and payment of expenses jointly by agreement of one or more counties; repealing all laws and parts of laws in conflict; repealing Chapter 330, page 557 of the acts of the regular session of the 48th Legislature; and declaring an emergency."

With amendments.

S. B. No. 93, Relating to changes in the fishing laws of this state.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bill 123

(Unfinished Business)

The President laid before the Senate, as the unfinished business, on its passage to engrossment (the bill having been read second time on yesterday):

S. B. No. 123, A bill to be entitled "An Act to amend Subsection 1 of Section 1 of Senate Bill No. 209, Chapter 220, Acts of the Forty-third Legislature, Regular Session, 1933, so as to provide for the fixing of the amount of fees to be retained by precincts, county, and district officers; to amend Subsection 1 of Section 3 of Senate Bill 209, Chapter 220, Acts of the Forty-third Legislature, Regular Session, 1933, so as to provide for the

appointment and compensation of deputies; providing a saving clause; and declaring an emergency."

Pending consideration of the bill, Senator Winfield occupied the Chair temporarily.

(President pro tempore in the Chair)

Senator Chadick offered the following amendment to the bill:

Amend Senate Bill No. 123, by adding a new sentence following the last word on line 37, page 1 of the printed bill:

"Provided further however, that not withstanding the foregoing, Commissioners Court of Counties affected by this act are empowered and authorized by written order duly entered on the minutes of the Court to set maximum fees to be retained by County and District officers named herein at any amount it may deem expedient not to exceed \$3,600.00 per year as provided herein, and not less than the fees authorized to be retained by law at the effective date of this act."

Senator Brown moved to table the amendment.

(President in the Chair)

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—14

Brown	Parrish
Bullock	Spears
Crawford	Stanford
Hazlewood	Stone
Jones	Vick
Martin	Winfield
Moffett	York

Nays—12

Aikin	Mauritz
Chadick	Moore
Graves	Morris
Knight	Shivers
Lane	Sulak
Lanning	Taylor

Absent

Ramsey

Absent—Excused

Carney	Metcalf
Kelley	Weinert

The bill was passed to engrossment.

Senator Lane moved to reconsider the vote by which the bill was passed to engrossment.

The motion to reconsider prevailed. Question—Shall the bill be passed to engrossment?

Senator Brown moved to reconsider the vote by which the amendment by Senator Chadick was tabled.

The motion prevailed by the following vote (a vote of two-thirds of those voting being necessary to carry the motion):

Yeas—26

Aikin	Moore
Brown	Morris
Bullock	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Taylor
Martin	Vick
Mauritz	Winfield
Moffett	York

Absent

Hazlewood

Absent—Excused

Kelley	Metcalf
Carney	Weinert

Question then recurring on the amendment by Senator Chadick, it was adopted.

Senator Chadick offered the following amendment to the bill:

Amend Senate Bill No. 123, by striking out all of the lines 38 and 39 of page 1 of the printed bill, and inserting in lieu thereof the following:

"All current fees earned and collected by officers named in Article 3883 during any fiscal year in excess of the maximum and excess allowed by this act or allowed by valid order of a Commissioners Court, where such court order limits the maximum fee retention by officers to an amount less than the maximum prescribed herein and excess allowed."

The amendment was adopted.

Senator Chadick offered the following amendment to the bill:

Amend the caption to S. B. No. 123 by adding, following the officers deputies on line 10, page 1, of the printed bill, the following:

"And providing that Commissioners Courts may by order, limit fees retained by such officials."

And amend caption to conform to other amendments to the bill.

The amendment was adopted.

Senator Lane offered the following amendment to the bill:

Amend Senate Bill No. 123 by striking all of line No. 28 and adding in lieu thereof the following: "In Counties containing less than (20,000) twenty thousand inhabitants," and by striking all of line 5 and word "inhabitants" on line 6 on page 2, and inserting in lieu thereof:

"In Counties having a population of less than twenty thousand (20,000) population."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 123 on Third Reading

Senator Brown moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 123 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Brown	Morris
Bullock	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Winfield
Mauritz	York
Moffett	

Absence—Excused

Carney	Metcalfe
Kelley	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Brown
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Bullock	Moore
Chadick	Morris
Crawford	Parrish
Graves	Ramsey
Hazlewood	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Taylor
Martin	Vick
Mauritz	Winfield
Moffett	York

Nays—1

Shivers

Absent—Excused

Carney	Metcalfe
Kelley	Weinert

Reports of Standing Committees

The following Committee reports, by unanimous consent, were submitted at this time:

Austin, Texas
February 22, 1945

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Towns and City Corporations to whom is referred S. B. 175, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KNIGHT, Chairman

Austin, Texas
February 22, 1945

Hon. John Lee Smith, President of the Senate.

Sir: We your Committee on Constitutional Amendments to whom you referred S. J. R. No. 8, by Vick, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached Committee Amendment and be printed.

MARTIN, Chairman

Austin, Texas
February 22, 1945

Hon. John Lee Smith, President of the Senate.

Sir: We your Committee on Constitutional Amendments to whom you referred S. J. R. No. 3, by Bullock,

have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman

Austin, Texas
February 22, 1945

Hon. John Lee Smith, President of the Senate.

Sir: We your Committee on Constitutional Amendments to whom you referred S. J. R. No. 2, by Ramsey, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman

Austin, Texas
February 21, 1945

Hon. John Lee Smith, President of the Senate:

Sir: We your Committee on Constitutional Amendments to whom you

referred S. J. R. No. 1, by Ramsey, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman

Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following bills and resolutions:

S. B. No. 97

S. B. No. 105

S. C. R. No. 12

S. C. R. No. 13

S. C. R. No. 15

Adjournment

On motion of Senator Ramsey, the Senate, at 12:23 o'clock p. m., adjourned until 10:30 o'clock a. m., Monday, February 26, 1945.

In Memory of Honorable H. L. Darwin

Senator Aikin offered the following resolution:

(Senate Resolution 34)

Whereas, On February 6, 1945, Texas lost one of her most distinguished citizens, in the death of Honorable H. L. Darwin at Dallas, Texas, who was a former State Senator from Delta County; and

Whereas, The Honorable H. L. Darwin, who was born in Delta County, had long and ably served his community and his State as a member of the Texas Senate from 1918 to 1917, and from 1921 to 1925, and

Whereas, He was a staunch friend of the University of Texas, who had rendered invaluable service to the University during the time he was serving in the Texas Senate, and for many years thereafter, he was still active in the University's behalf, and

Whereas, In his passing his community and the State as a whole have lost a highly esteemed and useful citizen, who had won the respect and admiration of his many friends, and

Whereas, It is the desire of the Texas Senate to express to the bereaved family and the many friends their sorrow over the passing of this distinguished and much loved citizen of Texas; now therefore, be it

Resolved, That a copy of this Resolution be printed in the Senate Journal; and be it further

Resolved, That copies of this Resolution be sent to the members of the family.

AIKIN
GRAVES
JONES

Signed—John Lee Smith, Lieutenant Governor; Senators Aikin, Brown, Bullock, Carney, Chadick, Crawford, Graves, Hazlewood, Jones, Kelley, Knight, Lane, Lanning, Martin, Mauritz, Metcalfe, Moffett, Moore, Parrish, Ramsey, Shivers, Spears, Stanford, Stone, Sulak, Taylor, Vick, Weinert, Winfield and York.

The resolution was read.

On motion of Senator Jones, and by unanimous consent, the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.